

Application No.: 10/006,290

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Docket No.: 506612000100

REMARKS

Reconsideration is respectfully requested. The Examiner has required restriction between the following:

Group I: Claims 1-5 and 31-35, drawn to a system for detecting gene expression; and claim 30, drawn to a related kit, classified in class 435, subclass 287.2

Group II: Claims 6-9 and 36-39, drawn to a method for detecting gene expression, classified in class 435, subclass 6.

Group III: Claims 10-13, drawn to a candidate library; claims 14-22, drawn to a diagnostic oligonucleotide; claims 23 and 24, drawn to a diagnostic agent; claim 25, drawn to a diagnostic probe set; and claim 26, drawn to an isolated nucleic acid, classified in class 536, subclass 24.1

Group IV: Claim 27, drawn to an expression vector, classified in class 435, subclass 320.1, and claims 28-29, drawn to a host cell, classified in class 435, subclass 252.3

Group V: Claim 40, drawn to a method for diagnosing a disease, classified in class 435, subclass 6.

Group VI: Claims 41 and 48, drawn to a method for monitoring the progression of a disease, and claims 42 and 49, drawn to a method for monitoring the rate of progression of a disease, classified in class 435, subclass 6.

Group VII: Claims 43, 50, and 52, drawn to a method of predicting therapeutic outcomes; claims 44 and 51, drawn to a method of determining prognosis for a disease; claim 45, drawn to a method of monitoring response to treatment; and claims 46-47, drawn to a method of monitoring response to treatment, classified in class 435, subclass 6.

In addition, the Examiner has required election of a single sequence. Applicants traverse these requirements because it would not be an undue burden for the Examiner to search on the

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subject matter covered by all of the claims. However, in order to expedite prosecution, Applicants hereby provisionally elect Group V, claim 40, drawn to method of diagnosing a disease. Applicants herewith submit a new set of claims drawn to a method of diagnosing transplant rejection, and request examination of these new claims.

Regarding the request to elect a single sequence, Applicants thank the Examiner for pointing out MPEP 803.04 and the relevant section, which states. "It has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction." Applicants therefore have provided ten sequences in new Claim 55 for examination purposes: SEQ ID NO: 3702, SEQ ID NO: 2073, SEQ ID NO: 213, SEQ ID NO: 3028, SEQ ID NO: 6299, SEQ ID NO: 832, SEQ ID NO: 2143, SEQ ID NO: 3651, SEQ ID NO: 4758, and SEQ ID NO: 3750. Applicants request that the Examiner examine each of these sequences at this time.

In order to be fully responsive, Applications elect SEQ ID NO: 4758, with traverse. Applicants respectfully request that the Examiner follow the guidelines of MPEP 803.04 and search all ten of the SEQ ID NO:s of new Claim 55.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 506612000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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